

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

CLINTON RUTHERFORD,

Plaintiff,

v.

CORY FREE, *et al.*,

Defendants.

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Case No. 2:24-cv-764

Chief Judge Algenon L. Marbley

Magistrate Judge Chelsey M. Vascura


ORDER

On February 22, 2024, Plaintiff filed a Complaint (ECF No. 1-4), a Motion to Proceed *in Forma Pauperis* (ECF No. 1), a Motion for Preliminary Injunction (ECF No. 2), and a Motion to Appoint Counsel (ECF No. 3). Liberally construed, Plaintiff’s Complaint sought injunctions requiring the prison to follow its own legal mail policy, to guard against retaliation for the filing of this lawsuit, in addition to \$225,000 in compensatory damages and attorneys’ fees and costs. (ECF No. 4; *see also* ECF No. 5-1 at 5). Plaintiff’s civil cover sheet also designated that the lawsuit pertained to “[l]oss of property (legal mail)” and “violation—rights to religion.” (ECF No. 1-2).

On April 1, 2024, the Magistrate Judge issued a Report and Recommendation (“R&R”) recommending that this Court allow Plaintiff’s individual- and official-capacity claims for First Amendment legal mail violations to proceed but recommended dismissing Plaintiff’s remaining claims and his Motion for Preliminary Injunction. (ECF No. 5-1 at 16). The Magistrate Judge also denied Plaintiff’s Motion for Appointment of Counsel but granted his Motion to Proceed *in Forma Pauperis*. (*Id.*). Plaintiff was advised of his right to object to the R&R within fourteen days and of the rights he would waive by failing to do so. (*Id.* at 17-18).

This Court has reviewed the R&R. Noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, this Court hereby **ADOPTS** the R&R (ECF No. 5-1). Accordingly, Plaintiff's Motion for Preliminary Injunction (ECF No. 3) is **DENIED**. Plaintiff is permitted only to proceed on his "individual- or official-capacity First [A]mendment legal mail claims against Defendant Marsh arising out of the February 9, 2023 court mailing." (ECF No. 5-1 at 7). The rest of his claims are **DISMISSED**.

IT IS SO ORDERED.



ALGENON L. MARBLEY
CHIEF UNITED STATES DISTRICT JUDGE

DATED: May 1, 2024